

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

STONY BATTERY RD	:	
PROPERTY OWNER LLC, <i>et al.</i> ,	:	
Plaintiffs,	:	
	:	
v.	:	Civil No. 5:23-cv-00518-JMG
	:	
QVC, INC.,	:	
	:	
Defendant.	:	

ORDER

AND NOW, this 1st day of May, 2024, upon consideration of Plaintiffs' Motion for Partial Summary Judgment (ECF No. 54), Defendants' Memorandum of Law in Opposition (ECF No. 65), Defendants' Motion for Summary Judgment (ECF No. 55), Plaintiffs' Memorandum of Law in Opposition (ECF No. 64), Defendant's Memorandum of Law in Support (ECF No. 70), any exhibits attached thereto, and for the reasons provided in the accompanying Memorandum Opinion,

IT IS HEREBY ORDERED that Plaintiffs' Motion for Partial Summary Judgment (ECF No. 54) is **GRANTED in part** and **DENIED in part**.

- a. Plaintiffs' Motion is **GRANTED** as to Defendants' counterclaim (Count I).
- b. Judgment is **ENTERED** in favor of Plaintiffs and against Defendants as to Count I of Defendants' counterclaim (breach of covenant not to sue).
- c. Plaintiffs' Motion is **DENIED** as to liability on Count I of the Complaint (breach of contract).

IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment (ECF No. 55) is **GRANTED in part** and **DENIED in part**.

- a. Defendants' Motion is **GRANTED** as to Count I of the Complaint, the sole remaining count.
- b. Judgment is **ENTERED** in favor of Defendants and against Plaintiffs as to Count I of the Complaint (breach of contract).
- c. Defendants' Motion is **DENIED** as to Count I of Defendants' counterclaim (breach of covenant not to sue).

BY THE COURT:

/s/ John M. Gallagher
JOHN M. GALLAGHER
United States District Court Judge